

Remarks

Claims 1, 3-5, 7, 8, 10-12, 14-16, 18, 20, 22, 24, 26 and 28-34 are pending in the application. Claims 32-34 are newly added. Claims 20, 22, 24, 26 and 28-31 have been allowed. Claims 2, 6, 9, 13, 17, 19, 21, 23, 25 and 27 have been canceled without prejudice to or disclaimer of the subject matter therein. Claims 1, 3-5, 7, 8, 10, 14-16 and 18 have been rejected. Claims 11, 12 and 14 have been objected to.

Information Disclosure Statement

In response to the Examiner's comments on the IDS filed July 23, 2004, the Applicant observes that (as stated in the IDS) documents H, I, J, K, L, M and N were cited by or submitted to the Office in parent application 09/216,778, filed December 18, 1998, which is relied on for an earlier filing date under 35 USC 120. Thus, the Applicant is not required to submit copies. Please see 37 CFR 1.98(d)(1).

A copy of reference F (JP 08031434) is re-submitted herewith.

Claim rejections

Claims 1, 3-5, 7, 8, 10, 14-16 and 18 have been rejected under 35 USC 102(b) as being anticipated by Dews et al. (US 3,801,374) ("Dews"). The Applicant respectfully traverses. Dews cannot support the asserted rejection for at least the reason that Dews does not disclose "a gas supply inlet which is formed as an opening along an edge of the separator bottom into [a] fluid passage" as recited in claim 1. See, for example, FIG. 6 and gas supply inlet 305. Instead, Dews discloses a tubular fuel inlet 20 formed in a wall of a plate 18. An advantage of the claimed structure may be greater ease of fabrication and a better gas supply. Furthermore, a separator according to claim 1 may be made smaller in size and with improved diffusibility of gas, as compared to the structure disclosed in Dews.

Claim 1 is therefore allowable over Dews. Moreover, since each of claims 3 -5, 7, 8, 10, 14-16 and 18 is directly or indirectly dependent on claim 1 and therefore includes its recitations, these claims are likewise allowable over Dews for at least the

reasons discussed in connection with claim 1. Moreover, the dependent claims further include patentable features beyond those incorporated by dependency on claim 1.

For example, nothing in Dews even remotely suggests a cooling plate with projections, as recited in each of claims 3, 7, 10, 14 and 18. Contrary to the Examiner's assertion, the cited passage of Dews (col. 2, lines 31-35) says nothing about "a cooling portion of the separator having similar projections ..." etc. Moreover, the Examiner's argument that Dews shows "[t]he cooling plate is coextensive with the separator body insofar as the 'bottom' of the cooling plate is coextensive with the separator 'top'" is in no way supported by the actual text of Dews. Dews contains no disclosure as to a geometry or position of the coolant plate mentioned therein relative to plate 18. Dews only says "This invention contemplates the fabrication of a dense graphite support plate or coolant plate construction or combination thereof," nothing more.

Further, there is no suggestion of a feature as recited in claim 16 (amended to correct an omission) of a "number of projections arranged in the regions near an inlet portion ... is greater than the number of projections arranged in regions near an outlet portion." Support for this language may be found in the present application in FIG. 11, for example, and associated description.

In view of the above, withdrawal of the rejection of claims 1, 3-5, 7, 8, 10, 14-16 and 18 as anticipated by Dews is respectfully requested.

New claim 32: New claim 32, above, is supported in the present application in, for example, FIG. 11 and associated description. Moreover, new claim 32 depends on allowable claim 11 and is therefore likewise allowable.

New claims 33, 34: It is noted that the Examiner has indicated the subject matter of claim 11 to be allowable. In view of this, the Applicant respectfully submits that new claim 33 is likewise allowable, based on reasoning similar to that applied to claim 11. Specifically, new claim 33 incorporates the recitations of claims 1 and 15, and therefore includes the recitation "wherein a number of projections arranged in each of the regions is different," which, like the feature "wherein the width of each of the regions is different" recited in allowable claim 11, is also absent from the prior art. Claim 34, dependent on

claim 33, is similarly allowable for at least the reasons discussed in connection with claim 33

Claim objections

Claims 11, 12 and 14 were objected to, but were indicated to be allowable if rewritten in independent form. Accordingly, claim 11 has been so rewritten and is allowable. Claims 12 and 14 depend on claim 11 and are consequently also allowable. Withdrawal of the objection to claims 11, 12 and 14 is therefore respectfully requested.

Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: Feb. 22, 2005

By:


William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax:(202) 220-4201